



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

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72SPR-99-5122-5

APR 6 1999

DEPT. OF TRANSPORTATION
DOCKETS
99 MAY -4 PM 11:11

Ms. Gwendolyn Jordan
Env. Regulatory Manager
BIO-TEK Industries, Inc.
1380 West Marietta Street
Atlanta, GA 30318

Dear Ms. Jordan:

This is in response to your February 11, 1999 application for exemption 12215-N, and additional information dated February 23, 1999, to authorize the transportation in commerce of TEK-TROL Disinfectant Cleaner Concentrate, in plastic bottles having capacities of one gallon or less, as a non-hazardous material.

In accordance with 49 CFR 107.113(e) and (g), your application is denied for the following reason:

Your application did not demonstrate that granting your request would achieve a level of safety at least equivalent to that required by the Hazardous Materials Regulations (HMR). Specifically, you have not provided sufficient technical information to justify a determination that TEK-TROL is a non-hazardous material.

With respect to the assessment of freight charges by United Parcel Service (UPS), please note that UPS and other carriers are subject to applicable requirements of the HMR. However, the UPS handling fee is neither mandated nor regulated by the HMR. The Research and Special Programs Administration does not have jurisdiction over shipping charges imposed by UPS and cannot provide any relief from such fees.

You may contact Mr. Aubrey C. Holmes, UPS Public Affairs Manager, 316 Pennsylvania Avenue, S.E., Washington, DC 20003 at 202-675-4243 concerning handling fees for hazardous materials packages.

If you have any questions, please do not hesitate to contact Mr. Ryan Posten at 202-366-4535.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Roberts', with a stylized, cursive script.

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety